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Group Art Unit 1631

May 15, 2002

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Appl. No. 09/183,267; Filed: October 30, 1998
For: **Computational Protein Probing to Identify Binding Sites**
Inventor: Guarnieri, Frank
Our Ref: 1866.001001/JMC/MBT

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Response to Office Communication;
4. Our check no. 35179 for \$1, 440.00 to cover:
\$1,440.00 Extension fees under 37 C.F.R. § 1.136; and
5. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
May 15, 2002
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



John M. Covert
Attorney for Applicants
Registration No. 38,759

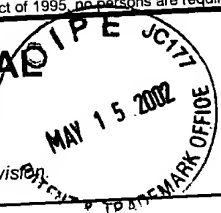
JMC/MBT/lam
Enclosures

SKGF_DC1:13399.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.



Complete if Known

| | |
|----------------------|----------------------|
| Application Number | 09/183,267 |
| Filing Date | October 30, 1998 |
| First Named Inventor | Guarnieri, Frank |
| Examiner Name | Hartter, A. |
| Group Art Unit | 1631 |
| Attorney Docket No. | 1866.0010001/JMC/MBT |

TOTAL AMOUNT OF PAYMENT (\$)**1,440.00**

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:
- Deposit Account Number: **19-0036**
- Deposit Account Name: **Sterne, Kessler, Goldstein & Fox P.L.L.C.**
- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17
- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:
- ☒ Check ☐ Credit card ☐ Money Order ☒ Other*
- *Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 740 | 201 | 370 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$) **0.00**

2. EXTRA CLAIM FEES

| | Extra | Fee from below | Fee Paid |
|-----------------------|-------|----------------|----------|
| Total Claims - 20** = | X | | |
| Indep. Claims - 3** = | X | | |
| Multiple Dependent | | | |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claim |
| 108 | 84 | 208 | 42 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) **0.00**

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|--|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 139 | 130 | 139 | 130 | Non-English specification |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action |
| 115 | 110 | 215 | 55 | Extension for reply within first month |
| 116 | 400 | 216 | 200 | Extension for reply within second month |
| 117 | 920 | 217 | 460 | Extension for reply within third month |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month |
| 119 | 320 | 219 | 160 | Notice of Appeal |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal |
| 121 | 280 | 221 | 140 | Request for oral hearing |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) |
| 143 | 460 | 243 | 230 | Design issue fee |
| 144 | 620 | 244 | 310 | Plant issue fee |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner |
| 123 | 130 | 123 | 130 | Petitions related to provisional applications |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt |
| 581 | 40 | 481 | 40 | Recording each patent assignment per property (times number of properties) |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR 1.129(a)) |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR 1.129(b)) |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application |

Other fee (specify):

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **1,440.00**

Complete (if applicable)

| | | | | | |
|-------------------|----------------|------------------|--------|-----------|--------------|
| SUBMITTED BY | | Registration No. | 38,759 | Telephone | 202-371-2600 |
| Name (Print/Type) | John M. Covert | (Attorney/Agent) | | Date | May 15, 2002 |
| Signature | | | | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete.

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In re application of:

Guarnieri, Frank

Appl. No. 09/183,267

Filed: October 30, 1998

For: **Computational Protein Probing to
Identify Binding Sites**

Confirmation No.: 2934

Art Unit: 1631

Examiner: Hartter, A.

Atty. Docket: 1866.0010001/JMC/MBT

19-

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5-22-02

RESPONSE TO OFFICE COMMUNICATION

This reply responds to the communication mailed January 8, 2002 holding Applicant's response filed on September 5, 2001 as not being fully responsive to the prior Office Action because a petition and fee were not filed for the acceptance of the color drawings. Applicant respectfully asserts that the communication was sent in error, since the prior Office Action did not indicate that the application was allowed or that the Examiner was requiring formal drawings. In Line 1, Paragraph one of form PTO-90C accompanying the prior Office Action, the Examiner states that "[c]olor photographs and color drawings are acceptable *only for examination* purposes unless a petition filed under 37 C.F.R. 1.84(a)(2) or (b)(2) is granted permitting their use as formal drawings." (emphasis added) Thus, since the application is still under examination, Applicant asserts that the use of the color drawings for examination purposes only is proper and that both the color drawings and the black and white drawings submitted with the filed application are suitable for examination.

Applicant also draws the attention of the Examiner to page 2 of the Office Action mailed March 5, 2001 (Paper No. 10) where the Examiner included the same paragraph as recited above and also included the sentence "In the event Applicant wishes to use the drawings currently on file as formal drawings, a petition must be filed for acceptance of the photographs or color drawings as formal drawings." Applicant therefore respectfully requests that submission of a

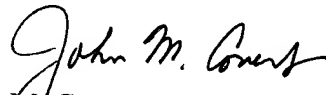
Guarnier, Frank
Appl. No. 09/183,267

petition for acceptance of color drawings be deferred until the application has been allowed. This request was also made by Applicant in their response filed September 5, 2001 on page 2, paragraph 4, under the heading of "Drawings".

Applicant respectfully maintains that the response filed September 5, 2001 was complete and request that the Examiner fully consider Applicant's response and issue an Office Action on the Merits. Moreover, since the prior response was fully responsive Applicant requests a refund of the \$1,440.00 fee for the Petition for Extension of Time that accompanies this reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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